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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

GARY PIERCE, Chairman
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2011 MAR 22 P 14:20

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 22 2011

DOCKETED BY

IN THE MATTER OF THE
APPLICATION OF UNION PACIFIC
RAILROAD COMPANY TO ALTER
TWO CROSSINGS OF THE
UNION PACIFIC RAILROAD
AT RUTHRAUFF AND INA ROADS

) DOCKET NO. RR-03639A-11-0051
)
) UNION PACIFIC RAILROAD
) COMPANY'S MOTION FOR
) MODIFICATION OF
) PROCEDURAL ORDER
) DATED FEBRUARY 17, 2011
)
)
)
)

Applicant Union Pacific Railroad Company ("Union Pacific") respectfully moves for modification of the Procedural Order in this matter issued February 17, 2011 by Administrative Law Judge Marc E. Stern. Union Pacific moves for modification of the Order in two respects.

First, Judge Stern's Order required that Union Pacific provide various parties with a copy of the Application and the Procedural Order by certified mail within five business days of Union Pacific's receipt of the Procedural Order, which would have been February 25, 2011. Unfortunately, undersigned counsel was out of his office much of that week and the week following. Thus, Union Pacific was not able to provide the copies by February 25, 2011, as required by the Order.

However, undersigned counsel did provide copies of the Application and the Procedural Order by certified mail to all parties specified in the Order on March 3, 2011. Union Pacific

1 therefore respectfully requests that Judge Stern's Procedural Order be modified to require Union
2 Pacific to provide copies by certified mail by March 3, 2011.

3 Second, Judge Stern's Procedural Order also required that the public notice specified in
4 the Order be "published at least once in a daily newspaper of general circulation in the area and
5 at least three times in a weekly publication in the city/county where the crossing is located, with
6 publication to be completed no later than March 4, 2011." Because the undersigned did not
7 receive the Order until February 18, it was not possible to complete publication three times in a
8 weekly publication by March 4. Also, the undersigned was unable to find a weekly publication
9 that accepts legal notices for publication in the City of Tucson where the Ruthrauff crossing is
10 located.
11

12 For those reasons, the undersigned, acting on Union Pacific's behalf, arranged to publish
13 the specified legal notice one time per week for four weeks in the Arizona Daily Star, a daily
14 newspaper of general circulation in the City of Tucson and County of Pima. The dates of
15 publication of that notice are March 7, 14, 21, and 28, 2011. Union Pacific respectfully requests
16 that Judge Stern's Procedural Order issued February 17, 2011 be modified to require Union
17 Pacific to publish the notice specified in the Order in a daily newspaper one time per week for
18 four weeks, with publication to be completed no later than March 28, 2011.

19 RESPECTFULLY SUBMITTED this 22nd day of March, 2011.
20

21 BEAUGUREAU, HANCOCK,
22 STOLL & SCHWARTZ, P.C.

23 By: Terrance L. Sims
24 Anthony J. Hancock
25 Terrance L. Sims
26 302 East Coronado
Phoenix, Arizona 85004
Attorneys for Applicant Union
Pacific Railroad Company

1 ORIGINAL AND THIRTEEN COPIES
2 of the foregoing filed this 22nd day of
March, 2011, with:

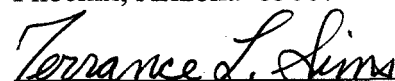
3 Arizona Corporation Commission
4 1200 West Washington Street
Phoenix, Arizona 85007

5 COPY of the foregoing mailed this
6 22nd day of March, 2011, to:

7 Hon. Marc E. Stern
Hearing Division
8 Arizona Corporation Commission
1200 West Washington Street
9 Phoenix, Arizona 85007

10 Mr. Brian Lehman, Supervisor
11 Mr. Chris Watson
Railroad Safety Section
12 Arizona Corporation Commission
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14 Janice M. Alward, Esq.
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18 
Terrance L. Sims
19